

EXHIBIT A

Paul M. Simmons (4668)
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Attorney for Plaintiffs

IN THE THIRD JUDICIAL DISTRICT COURT,
SALT LAKE COUNTY, STATE OF UTAH

CAROL ANN WEBB and NORRISS
WEBB,

Plaintiffs,

v.

DELTA AIRLINES, INC., a Georgia
corporation,

Defendant.

COMPLAINT

Tier 3

Civil No.: _____

Judge: _____

Plaintiffs, Carol Ann Webb and Norriss Webb, through their undersigned
counsel, complain of Defendant and allege as follows:

PARTIES

1. Plaintiffs, Carol Ann Webb and Norriss Webb, are wife and husband and
have their principal and permanent residence in Salt Lake County, Utah.

2. Defendant, Delta Airlines, Inc., is a common carrier with an operational
hub in Salt Lake City, Utah. Delta Airlines, Inc., operates services for the carriage of

passengers by air to and from Salt Lake City, Utah, at premises leased by Delta Air Lines, Inc. Delta's Salt Lake City hub gathers and distributes traffic in the geographical region surrounding Salt Lake City to international destinations.

JURISDICTION AND TIER

3. This Court has jurisdiction over this matter under section 78A-5-102 of the Utah Code Annotated and under Article 33, ¶ 2, of the Convention for the Unification of Certain Rules for International Carriage by Air entered into by the United States on May 28, 1999 (the "Montreal Convention").

4. The amount in controversy exceeds \$300,000, qualifying this action for standard discovery under Tier 3 of Utah Rule of Civil Procedure 26(c)(3).

GENERAL ALLEGATIONS

5. On or about May 15, 2019, the plaintiffs boarded Delta Flight No. DL50, at the Salt Lake City Airport, bound for London-Heathrow, United Kingdom.

6. After two malfunctions of the decompression system and two attempted departures, the flight was delayed until the following day.

7. During the second attempt at departure, the plane was on the runway when the decompression system malfunctioned.

8. The plaintiffs and other passengers were subjected to extraordinary decompression for some 15 to 20 minutes.

9. When plaintiff Carol Webb disembarked from the plane after this incident, she could not clear her right ear and could not hear.

10. As a result of this incident, Mrs. Webb has lost substantial hearing in her right ear, and her left ear has been affected as well.

11. As a result of the significant permanent injury to Mrs. Webb that has substantially changed her lifestyle, Mrs. Webb is incapable of performing certain types of activities that she performed before her injury, and plaintiff Norriss Webb has suffered a loss of his wife's consortium.

**FIRST CLAIM FOR RELIEF
(STRICT LIABILITY UNDER THE MONTREAL CONVENTION)**

12. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.

13. Plaintiffs were engaged in international carriage between the United States and Europe.

14. Plaintiff Carol Webb sustained bodily injury on board the aircraft.

15. Defendant is strictly liable up to the limits set forth by the Montreal Convention for the plaintiffs' injuries.

16. As a direct and proximate result of the bodily injury sustained as a passenger while on board the Delta aircraft, plaintiff Carol Webb was permanently injured and has suffered and continues to suffer pain, mental anguish, medical expenses, and other harms and losses, and her husband, plaintiff Norriss Webb, has suffered the loss of his wife's consortium.

**SECOND CLAIM FOR RELIEF
(Negligence)**

17. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.

18. Defendant was negligent in the maintenance of the aircraft on which the Webbs were passengers and in allowing them to remain on board the aircraft under dangerous conditions long enough for Carol Webb to sustain bodily injury and hearing loss.

19. Defendant's negligence was a proximate cause of the plaintiffs' injuries and losses, more fully set out above.

**THIRD CLAIM FOR RELIEF
(Strict Products Liability)**

20. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.

21. There was a defect in the Delta aircraft that the plaintiffs boarded for their trip to Europe.

22. The defect made the aircraft unreasonably dangerous.

23. The defect was a cause of the plaintiffs' harms and losses.

24. Defendant is therefore strictly liable for the plaintiffs' harms and losses.

**FOURTH CLAIM FOR RELIEF
(Loss of Consortium)**

25. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.

26. The Defendant's wrongful acts and omissions caused a significant permanent injury to Mrs. Webb that substantially changed her lifestyle and made her incapable of performing the types of activities that she performed before her loss of hearing.

27. Plaintiff Norriss Webb is therefore entitled to maintain an action to recover for loss of consortium under section 30-2-11 of the Utah Code.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray for judgment against defendant as follows:

1. For special damages, including, but not limited to, medical expenses, both past and future, past and future losses of household services, and other economic losses in amounts to be proved at trial.
2. For general damages, including, but not limited to, pain, suffering, disability, and loss of consortium, in amounts to be proved at trial.
3. Pre- and post-judgment interest to the extent allowed by law.
4. For costs and such other relief as the Court may deem just and equitable.

DATED this 12th day of May, 2021.

DEWSNUP KING OLSEN WOREL HAVAS
MORTENSEN, P.C.

/s/ Paul M. Simmons

Paul M. Simmons

Attorney for Plaintiffs

Plaintiffs' Address:

c/o Dewsnup King Olsen Worel
Havas Mortensen, P.C.
36 South State Street, Suite 2400
Salt Lake City, UT 84111-0024

CERTIFICATE OF SERVICE

Case Info:

PLAINTIFF:

CAROL ANN WEBB; and NORRISS WEBB

-versus-

DEFENDANT:

DELTA AIRLINES, INC, a Georgia corporation

Utah District Court, Salt Lake Department
County of Salt Lake, Utah
Court Case # **210902553**

Service Info:

Date Received: 9/8/2021 at 09:52 AM

Service: I Served **DELTA AIRLINES, INC**

With: **SUMMONS; Bilingual Notice to Responding Party for In-State Summons; COMPLAINT**
by leaving with **Wendy Phippen, PROCESS AGENT**

At Business 15 W SOUTH TEMPLE ST, SUITE 600 SALT LAKE CITY, UT 84101

Latitude: **40.769226**, Longitude: **-111.890847**

On **9/8/2021 at 10:45 AM**

Manner of Service: CORPORATE

CORPORATE

Served Description: (Approx)

Age: **60**, Sex: **Female**, Race: **White-Caucasian**, Height: **5' 3"**, Weight: **130**, Hair: **Gray** Glasses: **No**

Charges:

Salt Lake County Zone 1 (1) \$55.00

Rush Service (1) \$40.00

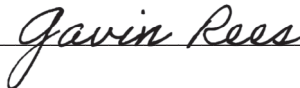
TOTAL: \$95.00

I **Gavin Rees** acknowledge that I am authorized to serve process, in good standing in the jurisdiction wherein the process was served and I have no interest in the above action. Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Signature of Server: _____

Gavin Rees

Lic # **R111881**



Beehive Attorney Service, LLC

285 W Tabernacle St, Suite 201

Saint George, UT 84770

Phone: (800) 779-0379

Our Job # **61189**



This is an automated status email:
From: Beehive Attorney Service, LLC
To: Dewsnap King Olsen Worel Havas Mortensen
Job # 61189
Serve To: **DELTA AIRLINES, INC**
Case Info:
Court: Utah District Court, Salt Lake Department
Court Case # **210902553**

Re: PLAINTIFF
CAROL ANN WEBB; and NORRISS WEBB
-Versus-
Re: DEFENDANT
DELTA AIRLINES, INC, a Georgia corporation

Service Info:
Recipient was SERVED on 9/8/2021 at 10:45 AM
Server Name: Gavin Rees
Type of Service: CORPORATE
Name of Served: Wendy Phippen
Capacity: PROCESS AGENT

Description: Gender: Female , Approximate Weight: 130 , Approximate Age: 60 , Race: White-Caucasian , Hair: Gray , Height: 5'3"

Documents: SUMMONS; Bilingual Notice to Responding Party for In-State Summons;
COMPLAINT
Service Address: 15 W South Temple St, Suite 600 Salt Lake City, UT 84101
Lon: -111.890847 Lat: 40.769226
Service Comments:

Attempts will continue until service, non-service, or diligence is completed unless we are notified to hold or have a prior agreement or contract with you. (our goal is follow-up attempts within four business days for routine or one business day for rushes).

Any affidavits and invoices for completed or non-served jobs will be sent separately via email (our goal is within 4 business days of either the email notification or our receipt of your proof) with original to follow via mail or commercial courier, if requested.

Non-served jobs are placed on a 7 day hold pending instructions or request to close (unless we have a prior agreement or contract with you).

If you would like to view your cases online, please reach out to request an invitation to register.

3RD DISTRICT COURT
SALT LAKE COUNTY, STATE OF UTAH

CAROL ANN WEBB et al. vs. DELTA AIRLINES INC

CASE NUMBER 210902553 Miscellaneous

CURRENT ASSIGNED JUDGE
RANDALL SKANCHY

PARTIES

Plaintiff - CAROL ANN WEBB
Represented by: PAUL SIMMONS

Plaintiff - NORRISS WEBB
Represented by: PAUL SIMMONS

Defendant - DELTA AIRLINES INC

ACCOUNT SUMMARY

Total Revenue Amount Due:	375.00
Amount Paid:	375.00
Amount Credit:	0.00
Balance:	0.00
REVENUE DETAIL - TYPE: COMPLAINT - NO AMT S	
Original Amount Due:	375.00
Amended Amount Due:	375.00
Amount Paid:	375.00
Amount Credit:	0.00
Balance:	0.00

CASE NOTE

PROCEEDINGS

05-12-2021 Filed: Complaint
 05-12-2021 Case filed by efiler
 05-12-2021 Fee Account created Total Due: 375.00
 05-12-2021 COMPLAINT - NO AMT S Payment Received: 375.00
 05-12-2021 Judge RANDALL SKANCHY assigned.
 05-12-2021 Filed: Return of Electronic Notification
 09-09-2021 Filed return: Return of Service ROS Delta Airlines
 Party Served: DELTA AIRLINES INC
 Service Type: Personal
 Service Date: September 08, 2021
 Garnishee:
 09-09-2021 Filed: Return of Electronic Notification
 09-10-2021 Filed return: Return of Service ROS - Delta upon WENDY PHIPPEN
 for
 Party Served: DELTA AIRLINES INC
 Service Type: Personal

Service Date: September 08, 2021
Garnishee:
09-10-2021 Filed: Return of Electronic Notification